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4 UNITED STATES DISTRICT COURT
5 IN AND FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
6

7 Patricia A. Mackrell

8 Plaintiff

Case No.: 03:11-CV-00704-ARC

9 Vs.

ANSWER

10 Fulton Friedman & Gullace LLP

11 Defendants
12

13 As and for its Answer, Defendant, Fulton Friedman & Gullace LLP
14 (hereafter, "FF&G") states and affirmatively alleges as follows:

15 Introduction

- 16 1. FF&G denies the allegations contained in paragraph 1 of Plaintiff's
17 Complaint.

18 Jurisdiction

- 19 2. FF&G admits the allegations contained in paragraphs 2 and 3 of Plaintiff's
20 Complaint.

21 Parties

- 22 3. FF&G admits, upon information and belief, the allegations contained in
23 paragraphs 4 and 5 of Plaintiff's Complaint.

24 Statement of Claim
25

1 4. FF&G admits the allegations contained in paragraph 6 of Plaintiff's
2 Complaint.

3 5. FF&G is without knowledge or information sufficient to form a belief as to
4 the truth of the allegations contained in paragraph 7 of Plaintiff's Complaint,
5 and thus denies same.

6 6. FF&G admits the allegations contained in paragraphs 8, 9, 10, and 11 of
7 Plaintiff's Complaint.

8 7. As there is no allegation asserted against FF&G in paragraph 12 of
9 Plaintiff's Complaint, and because the statute referred to in paragraph 12 of
10 Plaintiff's Complaint speaks for itself, that paragraph is denied.

11 8. FF&G admits the allegations contained in paragraph 13 of Plaintiff's
12 Complaint.

13 9. FF&G denies the allegations contained in paragraphs 14 and 15 of Plaintiff's
14 Complaint.

15 10. All allegations not specifically admitted herein are denied.

16 As and for its affirmative defenses, FF&G asserts no violation existed as prior
17 to the time litigation would have been commenced, Plaintiff filed for
18 bankruptcy on September 30, 2010, which was within 8 days of the sending of
19 the demand letter.

20 Furthermore, the Fair Debt Collection Practices Act, 15 U.S.C. §1692k(a)(3)
21 provides that if suit under this Act is brought in bad faith and for the purpose of
22 harassment, the court may award defendant attorney fees reasonable in relation
23 to the work expended and costs.

24 FF&G asserts this matter was filed in violation of F.R.C.P. Rule 11, as it was
25 brought in bad faith, the bankruptcy having been filed on behalf of the Plaintiff

1 by Plaintiff's current counsel, with knowledge that filing suit subsequent to the
2 filing of the bankruptcy would violate either 11 U.S.C. §362, or would violate
3 the permanent injunction that follows the discharge of the Plaintiff.

4 Respectfully submitted this 13th day of April, 2011.

5 Fulton Friedman & Gullace, LLP

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7 /s/David R. Galloway

8 PA87326

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14 Attorneys for Defendant

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CERTIFICATE OF SERVICE

I certify that on the 13th day of April, 2011 I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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